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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/289,375 04/09/99 BOULIGNY

V FRK36

EXAMINER

PM82/0411

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ART UNIT

PAPER NUMBER

3652

DATE MAILED:

04/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/289,375

Applicant(s)
Bouligny

Examiner
Dean J. Kramer

Group Art Unit
3652



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-32 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 29-32 is/are allowed.

☒ Claim(s) 1-4, 6-11, 13-16, 18, 19, and 21-28 is/are rejected.

☒ Claim(s) 5, 12, 17, and 20 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Claims 16, 19, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 is confusing in that it depends from itself. Further, there is no clear antecedent basis for "said fill-up and circulating tool" as recited in the last line of claim 23.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 6, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Burner.

Burner shows a running tool comprising a barrel (26,42) having axial fluid pathways (50,54) therethrough and a lower outwardly tapered section (48), a plurality of slips (38) each having a gripping portion (70), a moving mechanism (34), and a sleeve (28) moveably disposed about a portion of the barrel.

4. Claims 1-4, 6, 10, 11, 15, 16, 18, 19, 24, and 25, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Denny et al..

The patent to Denny et al. shows a pipe handling tool comprising a barrel (16) having a axial pathway extending therethrough and provided with a lower outwardly tapered section (R), a plurality of slips (S) having gripping teeth (50), and a moving mechanism including a lower sleeve (B).

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5. Claims 1-4, 6, 10, 11, 15, 16, 18, 19, 24, and 25, as understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Guess.

Guess shows a gripping tool comprising a barrel (10) with an axial fluid pathway (23) and a tapered section (24) having planar surfaces (43), a plurality of slips (40) having gripping members (41), a flexible moving assembly (31) for causing the slips to selectively engage or release a tubular member, and a sleeve (30) attached to the moving assembly.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7-9, 13, 14, 21-23, and 26-28, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Guess in view of Hawkins, III.

Guess was presented above in section 5 and substantially shows the invention as set forth in the above claims except for the various cementing tools attached to the barrel.

However, Hawkins, III shows a multi-purpose well tool including a fill-up/circulating tool, a cementing head assembly, a wiper plug assembly, and a sealing element selectively useable during wellbore cementing operations.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a fill-up/circulating tool, a cementing head assembly, a wiper plug

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assembly, and/or a sealing element to the barrel of the Guess assembly as taught by Hawkins, III so that the resulting tool could be used to cement casings in a wellbore.

8. Claims 5, 12, 17, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 29-32 are allowed.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All of the remaining cited references show a tapered barrel with slips moveably mounted thereto.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean Kramer whose telephone number is (703) 308-2181.


DEAN J. KRAMER
PRIMARY EXAMINER

djk

April 6, 2000